

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANKLIN SMITH,

Plaintiff,

v.

CITY OF TAYLOR, *et al.*,

Defendants.

Case No. 07-14034

Consolidated Cases: 08-11019

08-11022

08-13280

Hon. John Corbett O'Meara

**ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION**

Before the court is Plaintiff Franklin Smith's motion for reconsideration, filed February 16, 2010. Smith seeks reconsideration of this court's February 1, 2010 order dismissing his claims brought pursuant to 42 U.S.C. § 1983. The standard for granting a motion for reconsideration is as follows:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration which merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant shall not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

LR 7.1(g)(3).

Smith contends that the court did not address his claim for malicious prosecution, which he asserts is viable based upon alleged falsehoods that the investigator included in his warrant request. The court addressed these arguments in its February 1, 2010 order in its discussion of Devin Plummer's claims. See Order at 7-8. The same analysis applies to Smith's malicious prosecution claim, which likewise fails.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for reconsideration is DENIED.

s/John Corbett O'Meara
United States District Judge

Date: March 23, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, March 23, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager